

SANTA YNEZ COMMUNITY SERVICES DISTRICT

MEMORANDUM

TO: Board of Directors
FROM: Jose Acosta, General Manager
DATE: December 15, 2021
SUBJECT: Review, Discuss and Consider Adopting District Resolution 21-14

Recommendation

Review, discuss and consider adopting of District Resolution 21-14 a Resolution of the Board of Directors of the Santa Ynez Community Services District Authorizing Remote Teleconference Meetings of the District's Legislative Bodies Pursuant to Government Code Section 54953(e)

Policy Implications

Adoption of Resolution 21-14 would allow the Board to continue conducting its Board meetings remotely pursuant to Government Code 54953(e).

Fiscal Implications

There are none currently.

Alternatives Considered

The Board elects to not adopt Resolution 21-14 and revert to meeting in person and with the requirements of the Brown Act for any Board member attending the meeting at a remote location.

Discussion

The State of California has passed Assembly Bill 361, allowing government agencies to consider continuation of conducting their legislative body public meetings remotely via teleconference in accordance with Government Code 54953(e).

Since March of 2020 the Board of Directors has conducted its Board meetings under the provisions of Government Code 54953(e), allowing the meetings to be conducted remotely via teleconferencing without compliance with the requirements of Government Code section 54953(b)(3). The ability to conduct the meetings remotely via teleconference is due to the state of emergency declared by the Governor of California pursuant to Government Code section 8625, due to the pandemic of the Corona virus.

AB 361 requires the district to acknowledged that a state of emergency, declared by the Governor of California exists and that state or local officials have imposed or recommended measures to promote social distancing. The state of emergency declared by Governor Newsom remains in effect along with the attached document titled "Health

Officials AB 361 Social Distance Recommendation”, issued on September 28, 2021, by the Santa Barbara County Health Department, allows the Board to consider adoption of Resolution 21-14. The adoption of said resolution will allow the Board to continue conducting all public meetings using teleconferencing under Government Code 54953(e).

If the Board chooses to adopt Resolution 21-14, they will authorize the General Manager and district staff to continue taking all actions necessary to carry out the intent and purpose of said resolution, including conducting open and public meetings in accordance with Government Code 54953(e) and other applicable provisions of the Brown Act.

If the Board adopts Resolution 21-14, attending meetings by teleconference under AB 361 and Government Code 54953(e) will continue and expire on January 14, 2022 unless, on or before that date and every thirty (30) days thereafter, the Board adopts a subsequent resolution setting forth the findings required by Government Code section 54953(e)(3) to extend the timeframe that the district may continue conducting its public meetings via teleconference in compliance with government Code Section 54953(b)(3).

Attachment
Resolution 21-14

RESOLUTION NO. 21-14

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ
COMMUNITY SERVICES DISTRICT AUTHORIZING REMOTE
TELECONFERENCE MEETINGS OF THE DISTRICT'S LEGISLATIVE BODIES
PURSUANT TO GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, all meetings of the Santa Ynez Community Services District's Board of Directors, standing committees, and other legislative bodies are open and public, as required by the Ralph M. Brown Act (Government Code Sections 54950 to 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, Government Code section 54953(e) makes provisions for meetings to be conducted by remote teleconferencing without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition for conducting meetings using teleconferencing under Government Code section 54953(e) is that a state of emergency has been declared by the Governor pursuant to Government Code section 8625; and

WHEREAS, it is further required as a condition for conducting meetings using teleconferencing under Government Code section 54953(e) that (i) state or local officials have imposed or recommended measures to promote social distancing, or (ii) meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District in that (i) on March 4, 2020, a state of emergency was declared by Governor Newsom due to COVID-19, which state of emergency remains in effect as of the date of this Resolution, and (ii) on September 28, 2021, the Santa Barbara County Health Department issued a document entitled "Health Officials AB 361 Social Distance Recommendation" which states, in part, as follows:

"Using teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate public participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease. This recommendation is further intended to satisfy the requirement of the Brown Act (specifically Gov't Code Section 54953(e)(1)(A)), which allows legislative bodies in the County of Santa Barbara to use certain available teleconferencing options set forth in the Brown Act."; and

WHEREAS, the Board of Directors desires to set forth herein its findings that the legislative bodies of the District may conduct their meetings without compliance with Government Code Section 54953(b)(3), as authorized by Government Code Section 54953(e).

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the Santa Ynez Community Services District, as follows:

1. **Findings.** The Board of Directors hereby finds that the required conditions for conducting meetings using teleconferencing under Government Code Section 54953(e) have been satisfied, in that (i) a state of emergency has been declared by the Governor, and (ii) local officials have recommended measures to promote social distancing, as more particularly set forth in the recitals hereof.

2. **Remote Teleconference Meetings.** The General Manager and staff of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Ralph M. Brown Act.

3. **Effective Date of Resolution.** This Resolution shall take effect on December 15, 2021, and shall expire on January 14, 2022 unless, on or before that date and every thirty (30) days thereafter, the Board of Directors adopts a subsequent resolution setting forth the findings required by Government Code Section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with Government Code Section 54953(b)(3).

PASSED AND ADOPTED this 15th day of December 2021, by the following vote of the Board of Directors of the Santa Ynez Community Services District:

AYES:

NOES:

ABSENT:

ABSTAIN:

Karen Jones, President
of the Board of Directors

ATTEST:

Wendy Berry, Secretary
of the Board of Directors